

# EXHIBIT A

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Clerk of Court  
Superior Court of CA,  
County of Santa Clara  
22CV403933  
Reviewed By: A. Tam

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10 CHRISTINA VARGAS

11 **IN THE STATE OF CALIFORNIA**

12 **COUNTY OF SANTA CLARA**

13 CHRISTINA VARGAS, an individual,

14 Plaintiff,

15 vs

16 SODEXO AMERICA, LLC, a Delaware  
17 Limited Liability Company; SODEXO. INC. a  
18 Delaware corporation; SDH SERVICES WEST  
19 LLC, a Delaware Limited Liability Company  
20 and DOES 1-20, inclusive,

21 Defendants.

Case No. 22CV403933

**COMPLAINT FOR DAMAGES AND  
DEMAND FOR JURY TRIAL**

1. **DISABILITY DISCRIMINATION -  
FAILURE TO REASONABLY  
ACCOMMODATE IN VIOLATION OF  
FEHA;**
2. **DISABILITY DISCRIMINATION IN  
VIOLATION OF FEHA (*Gov't Code*  
§§12900 et seq.);**
3. **RETALIATION (*LC § 1102.5*);**
4. **WRONGFUL TERMINATION IN  
VIOLATION OF PUBLIC POLICY; and**
5. **FAILURE TO TAKE ALL REASONABLE  
STEPS TO PREVENT HARASSMENT  
DISCRIMINATION AND RETALIATION.**

1 Plaintiff CHRISTINA VARGAS alleges as follows:

2 **PARTIES**

3 1. At all relevant times, Plaintiff CHRISTINA VARGAS was a California employee  
4 and was jointly employed by Defendant SODEXO, INC., SODEXO AMERICA, LLC, SDH  
5 SERVICES WEST LLC and affiliated companies based in their San Diego Sharp Hospital facility  
6 (“the Business”). Plaintiff paid California payroll taxes and filed California Tax Returns, based on  
7 her wages earned from her work for the Business.

8 2. Defendant SODEXO, INC. is a Delaware Stock Corporation, with its designated  
9 California office listed with the California Secretary of State as 4640 Admiralty Way 5th Floor,  
10 Marina Del Rey CA 90292, that owned, managed and/or operated the Business.

11 3. Defendant SODEXO AMERICA, LLC is a Delaware limited liability company,  
12 with its designated California office listed with the California Secretary of State as 4640 Admiralty  
13 Way 5th Floor, Marina Del Rey CA 90292, that owned, managed and/or operated the Business.

14 4. Defendant SDH SERVICES WEST LLC is a Delaware limited liability company,  
15 with its designated California office listed with the California Secretary of State as 4640 Admiralty  
16 Way 5th Floor, Marina Del Rey CA 90292, that owned, managed and/or operated the Business. All  
17 Sodexo entities are hereinafter collectively referred to as “Entity Defendants.”

18 5. Plaintiff is ignorant of the true names and capacities of Defendants sued as DOES 1-  
19 20 and therefore sues these Defendants by such fictitious names. Plaintiff will amend this  
20 Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and  
21 believes, and on the basis of such information and belief alleges, that each of the fictitiously named  
22 Defendants is responsible in some manner for some or all of the occurrences alleged in this  
23 Complaint, and that Plaintiff’s damages as herein alleged were proximately caused by such  
24 Defendants.

25 6. At all relevant times Defendants and DOES 1-20 were joint employers of Plaintiff  
26 because (a) Defendants and DOES 1-20 exercised control over Plaintiff’s wages, hours, or working  
27 conditions, (b) Defendants and DOES 1-20 suffered or permitted Plaintiff to work, OR  
28 (c) Defendants and DOES 1-20 engaged Plaintiff in a manner which created a common law

1 employment relationship; and DOES 1-20 were owners, directors, officers, and/or managing agent  
2 of the Business.

3 7. Each Defendant is directly liable for their own wrongful actions. The liability of  
4 each Defendant also stems from one or more of the following: As Plaintiff's joint employers, each  
5 Defendant is vicariously liable for the other Defendants' actions as the manager and/or supervisor  
6 over Plaintiff; each Defendant had a duty to either refrain from the wrongful acts or to prevent  
7 and/or restrain others from committing the wrongful acts of Defendants; each Defendant is an alter  
8 ego of the other Defendants; and each Defendant is acting as an agent of the other Defendants.

9 8. Entity Defendants were, at all times relevant to the Complaint, an alter-ego of  
10 individual Defendants with a unity of interest. The facts and circumstances demonstrating a unity  
11 of interest between Entity Defendants and individual Defendants, include the following:  
12 (a) commingling funds and/or assets of the entities; (b) failing to segregate/commingling of funds,  
13 and/or diverting funds, of the entities; (c) failing to maintain the formalities required or commonly  
14 associated with entity existence; (d) having common equitable ownership of the entities; (e) having  
15 common officers, directors, managers, and/or general partners of the entities; (f) using the same  
16 office or business location of the entities; (g) employing the same employees by the entities;  
17 (h) failing to place entity assets with the entities; (i) using the entities as mere shell entities;  
18 (j) concealing or misrepresenting the ownership, management and financial interests associated  
19 with the entities; (k) concealing or misrepresenting personal business activities related to the  
20 entities; and/or (l) failing to maintain arms-length relationship with and among the entities.

21 9. Entity Defendants were controlled, dominated, and operated by individual  
22 Defendants, and/or the Entity Defendants were controlled, dominated, and operated by individuals  
23 affiliated with individual Defendants, as an alter ego, and the main activities and businesses of the  
24 entities were carried out in order to shield the other individual Defendants and/or individuals  
25 affiliated with individual Defendants. Entity Defendants are a mere shell, instrumentality, and  
26 conduit through which the individual Defendants, and/or the individuals affiliated with Defendants,  
27 operate to shield assets from creditors. It would be unjust and inequitable to recognize the entity  
28 form of the Entity Defendants over the substance and nature of the injuries to Plaintiff.

10. Furthermore, Entity Defendants were an alter-ego of each other, and/or the individual affiliated with Defendants, and each Defendant are an agent and employee of the other, and in doing the acts herein described and referred to, were acting in the course and within the scope of authorities as an agent and employee of each other and are equally liable to the damages sustained by Plaintiff.

## ADMINISTRATIVE PREREQUISITES

11. At all times relevant, Entity Defendants regularly employed five or more persons, bringing Entity Defendants within the provisions of *California Government Code* section 12900, et seq., prohibiting employers or their agents from harassing, discriminating against, and retaliating against its employees, or from allowing and fostering an environment where fellow employees could harass or discriminate against other employees with impunity, based on protected characteristics.

12. Plaintiff exhausted her administrative remedies by timely filing a complaint with the California Department of Fair Employment and Housing ("DFEH"). The DFEH issued Plaintiff a Right-To-Sue Notice on July 20, 2022 and Plaintiff timely filed this action within the prescribed period subsequent to issuance of the Right-To-Sue Notice.

13. At all relevant times, Plaintiff's employment with Defendants was subject to the *California Labor Code* and the California Fair Employment and Housing Act ("FEHA").

## JURISDICTION AND VENUE

14. Jurisdiction and venue are proper as Plaintiff was physically present and working as an employee for Entity Defendants at the Stanford Hospital in Santa Clara County during the time that some of the key events giving rise to this lawsuit occurred.

**FACTS COMMON TO ALL CAUSES OF ACTION**

15. Plaintiff Christina Vargas worked for Entity Defendants as a Director of Healthcare from 2007 until 2012. Plaintiff voluntarily left employment with Entity Defendants in 2012 and returned to work for the company in July 2017 as a System General Manager in San Diego

1 California. This position was full-time, salaried with benefits, budgeted and not temporary. Plaintiff  
2 performed her job satisfactorily and had no discipline or performance issues between July 2017 and  
3 July of 2018.

4 16. Around July of 2018, plaintiff applied for and was approved for a leave of absence  
5 from work due to disability stemming from a non-work-related surgery. Her leave of absence lasted  
6 from July of 2018 to November of 2018. Plaintiff returned to work in November of 2018.

7 17. Beginning in October of 2018, while Plaintiff was still on leave, Plaintiff's  
8 supervisor Lauren Blacker began exemplifying hostility towards Plaintiff due to Plaintiff taking  
9 disability leave. Ms. Blacker became significantly less responsive to Plaintiff's texts, emails and  
10 calls and would not clearly provide Plaintiff with direction on basic expectations for Plaintiff's  
11 return to work.

12 18. After returning to work in November of 2018, Plaintiff's supervisor continued to  
13 discriminate against and harass Plaintiff for having taken disability leave by stonewalling her and  
14 refusing to properly communicate and coordinate her primary work duties.

15 19. Between November 2018 and March of 2019, Plaintiff was assigned to work on a  
16 sales presentation for the University of Nevada Reno ("UNR") and also instructed to contact Entity  
17 Defendants' supervisor David Hansen to work on a retention effort for a contract with a healthcare  
18 system in Las Vegas.

19 20. Plaintiff reached out repeatedly to Mr. Hansen to coordinate work on the Las Vegas  
20 project, but he never responded. Combined with her supervisor's lack of responsiveness, this  
21 stonewalling from Mr. Hansen left Plaintiff rejected and intentionally kept out of the loop.

22 21. The work related to the UNR sales presentation was significantly less than 40 hours  
23 a week and no one working for Entity Defendants would communicate with Plaintiff regarding her  
24 additional assignment in Las Vegas with David Hansen. Plaintiff was paid on a salaried basis but  
25 would track her hours for the benefit of management. Plaintiff was afraid to submit timesheets  
26 reporting significantly under 40 hours of work. As a result, Plaintiff felt pressure to use her paid  
27 time off to avoid a negative performance review. Plaintiff would complete the necessary work for  
28 the UNR assignment and then fill the rest of her timesheet with PTO hours.

1           22.     The lack of communication from Entity Defendants, Mr. Hansen and Ms. Blacker  
2 was intentionally calculated to pressure Plaintiff to use her time off to harass and retaliate against  
3 her for taking leave related to her injury.

4           23.     Plaintiff was responsible for coordinating travel, presentation materials and other  
5 costs related to the UNR sales presentation. Plaintiff incurred over \$10,000 in charges on her  
6 personal credit card related to this presentation and submitted these expenses to Ms. Blacker for  
7 approval. Company policy states that expenses are to be reimbursed within 10 days.

8           24.     Ms. Blacker did not respond to Plaintiff's expense report, nor did she respond to  
9 Plaintiff's repeated follow-up communications reminding Ms. Blacker to approve the expenses.

10          25.     Plaintiff's expenses were not reimbursed for over three months, causing Plaintiff to  
11 incur personal financial losses, as well as emotional damage due to the uncertainty and indifference  
12 exhibited by her employer.

13          26.     Ms. Blacker never provided a reason to Plaintiff for why she delayed reimbursement  
14 nine times longer than company policy allows.

15          27.     After her work on the sales presentation at UNR ended, Plaintiff was assigned to  
16 work for Entity Defendants at Stanford University Hospital in Palo Alto, Santa Clara County,  
17 California. Plaintiff was physically present in Santa Clara county for this work. This was the last  
18 place Plaintiff would work for the Entity Defendants because they never let her return to work after  
19 she suffered another injury in March of 2019.

20          28.     On February 12, 2019, Plaintiff sent an email to Lauren Blacker's direct supervisor,  
21 Kim Dudeck, complaining of Ms. Blacker's failure to communicate, failure to approve expense  
22 reports, that she was being forced to use her paid time off as a result of Ms. Blacker's stonewalling  
23 and that Ms. Blacker's actions were causing her emotional distress.

24          29.     In March of 2019, Plaintiff suffered a work-related injury and went on another  
25 disability leave of absence from March 7, 2019 until August 2019.

26          30.     Ms. Dudeck and the Entity Defendants did not respond to Plaintiff's February 12  
27 complaint until March 7, 2019, the same day that Plaintiff began her disability leave.

28          31.     As she went on leave, Plaintiff was given the contact information for Entity

1 Defendants' human resources agent Kevin Gentry, and instructed to keep him informed on her  
2 recovery so that he could coordinate her return to work.

3 32. Plaintiff called Mr. Gentry monthly and also texted him to keep him updated on her  
4 recovery.

5 33. During Plaintiff's leave of absence, Mr. Gentry resigned from his employment with  
6 Entity Defendants, and transferred Plaintiff to human resources employee Angela Vivanco.

7 34. In August 2019, while still out on leave, Plaintiff suffered another injury due to a  
8 non-work related car crash.

9 35. From August 2019 until April 2020 Plaintiff was on extended FMLA leave due to  
10 the cumulative injuries from the August and March 2019 incidents.

11 36. Plaintiff filled out a report updating the company on her injuries every six weeks for  
12 the duration of this leave. Plaintiff underwent several surgeries and was forced to use a wheelchair  
13 and walker.

14 37. Plaintiff filed for workers compensation in March of 2020 due to her 2019 work  
15 related injury.

16 38. In early April 2020, Plaintiff received a letter from the Entity Defendants informing  
17 her that her leave of absence ended on April 11, 2020 and that she had to return to work.

18 39. Later in April, Plaintiff received an email from the Entity Defendants human  
19 resources department informing that they were waiting on the outcome of her Worker's  
20 Compensation claim to finalize her termination.

21 40. Plaintiff's leave of absence ended on April 11, 2020 and plaintiff informed her  
22 human resources contact that she intended to return to work.

23 41. Defendants did not formally terminate Plaintiff, nor did they revoke access to her  
24 company email or her company human resources account. Plaintiff continued to log into the  
25 company portal to pay her share of the company health care plan every month.

26 42. After April 2020, every other month, Plaintiff received notice that her company  
27 health benefits were being cancelled. Plaintiff contested this cancellation, and ultimately her  
28 healthcare benefits were not cancelled.



1 Plaintiff repeatedly informed Entity Defendants that she was ready to return to work but the Entity  
 2 Defendants and their agents repeatedly ignored her communications and failed to make any effort  
 3 to accommodate her disability and desire to return to work. Plaintiff has been effectively  
 4 terminated due to the Entity Defendants' refusal to allow her to return to work.

5 **FIRST CAUSE OF ACTION**

6 **Disability Discrimination - Failure to Reasonably Accommodate in Violation of FEHA  
 (Plaintiff Against Entity Defendants)**

7 43. Plaintiff incorporates each and every allegation contained in paragraphs 1 through  
 8 42 of this Complaint.

9 44. As described above in paragraphs 15-42, Defendants have repeatedly failed to  
 10 reasonably accommodate Plaintiff's disability stemming from her injuries.

11 45. In bringing this action, Plaintiff has been required to retain counsel to represent her  
 12 in this matter. Pursuant to *California Government Code* § 12965(b) she is entitled to an award of  
 13 attorneys' fees.

14 46. Defendants committed the acts alleged herein maliciously, fraudulently and  
 15 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive  
 16 amounting to malice, and in conscious disregard of Plaintiff's rights. Defendants' conduct warrants  
 17 the assessment of punitive damages in an amount sufficient to punish Defendants and deter others  
 18 from engaging in similar misconduct.

19 **SECOND CAUSE OF ACTION**

20 **Disability Discrimination in Violation of FEHA  
 (Plaintiff Against Entity Defendants)**

21 47. Plaintiff incorporates each and every allegation contained in paragraphs 1 through  
 22 46 of this Complaint.

23 48. As described above in paragraphs 15-42, Defendants have repeatedly discriminated  
 24 against Plaintiff due to her disability.

25 49. Defendants committed the acts alleged herein maliciously, fraudulently and  
 26 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive  
 27 amounting to malice, and in conscious disregard of Plaintiff's rights. Defendants' conduct warrants  
 28

1 the assessment of punitive damages in an amount sufficient to punish Defendants and deter others  
2 from engaging in similar misconduct.

3 **THIRD CAUSE OF ACTION**  
4 **Retaliation in Violation of *California Labor Code* § 1102.5**  
5 **(Plaintiff Against Entity Defendants)**

6 50. Plaintiff incorporates each and every allegation contained in paragraphs 1 through  
7 49 of this Complaint.

8 51. Plaintiff refused, resisted, complained, objected and/or expressed displeasure about  
9 Defendants' wrongful and unlawful conduct, including the failure of Defendants to reimburse her  
10 reasonable work expenses, for discriminating against her due to her disability and for the failure of  
11 Defendants to reasonably accommodate her disability by or even engage in a conversation on how  
12 she could return to work.

13 52. The Entity Defendants retaliated against Plaintiff for her complaints by  
14 discriminating against her, refusing to communicate with her, denying her reasonable  
15 accommodations for her disability, forcing her to improperly use paid time off, and constructively  
16 terminating her employment by failing to bring her back to work for years.

17 53. Defendants' retaliatory conduct is a violation of *Labor Code* § 1102.5(b) which  
18 provides that "An employer, or any person acting on behalf of the employer, shall not retaliate  
19 against an employee for disclosing information, or because the employer believes that the employee  
20 disclosed or may disclose information, to a government or law enforcement agency, to a person  
21 with authority over the employee or another employee who has the authority to investigate,  
22 discover, or correct the violation or noncompliance, or for providing information to, or testifying  
23 before, any public body conducting an investigation, hearing, or inquiry, if the employee has  
24 reasonable cause to believe that the information discloses a violation of state or federal statute, or a  
25 violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether  
26 disclosing the information is part of the employee's job duties."

27 54. Plaintiff was not required to exhaust any administrative remedies to bring her *Labor*  
28 *Code* § 1102.5 claim because *Labor Code* § 244(a) provides that no such exhaustion is required  
under any *Labor Code* provision unless "that section under which the action is brought expressly

1 requires exhaustion of an administrative remedy.” *Labor Code* § 1102.5 does not have an  
 2 exhaustion requirement.

3 55. Defendants are the joint employers of Plaintiff and Defendants had a duty to either  
 4 refrain from the wrongful acts or to prevent and/or restrain others from committing the wrongful  
 5 acts.

6 56. Plaintiff suffered injuries as a result of Defendants’ violation of *Labor Code* §  
 7 1102.5 including loss of earnings and benefits, and severe emotional distress, all of which will be  
 8 proven at trial. In addition to any other legal remedies, Plaintiff is also entitled to punitive damages  
 9 not exceeding \$10,000 for each violation of *Labor Code* § 1102.5 pursuant to *Labor Code* §  
 10 1102.5(f).

11 57. Defendants committed the acts alleged herein maliciously, fraudulently and  
 12 oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive  
 13 amounting to malice, and in conscious disregard of Plaintiff’s rights. Defendants’ conduct warrants  
 14 the assessment of punitive damages in an amount sufficient to punish Defendants and deter others  
 15 from engaging in similar misconduct.

16 58. In bringing this action, Plaintiff has been required to retain counsel to represent her  
 17 in this matter. Pursuant to *California Labor Code* § 1102.5(j) she is entitled to an award of  
 18 attorneys’ fees.

19 **FOURTH CAUSE OF ACTION**  
 20 **Wrongful Termination in violation of Public Policy**  
 21 **(Plaintiff Against Entity Defendants)**

22 59. Plaintiff incorporates each and every allegation contained in paragraphs 1 through  
 23 58 of this Complaint.

24 60. Defendants have made no efforts to return Plaintiff to work for over two years.

25 61. Plaintiff has not been paid during this time and has been constructively terminated  
 26 by Defendants.

27 62. The conduct described in this complaint, including retaliation, and wrongful  
 28 termination of Plaintiff constitutes a violation of public policy embodied in provisions of  
*Government Code Section 12900*, et seq., prohibiting employers or their agents from harassing

employees, discriminating against employees, or from allowing and fostering an environment where fellow employees could harass and discriminate other employees with impunity, and also retaliating (in violation of violation of *Government Code* § 12940(h) and *Labor Code* §§ 1102.5) by, among other things, terminating Plaintiff when she complained, reported about and resisted the wrongful and unlawful conduct.

63. The liability of the Entity Defendants also stems from one or more of the following: As Plaintiffs' joint employers, the Entity Defendants are vicariously liable for their employee's conduct, including their failure to re-hire Plaintiff into a substantially similar role and for the failure to promptly pay the expenses that Plaintiff incurred as normal business expenses on behalf of the Defendant's business interests.

64. As a direct and proximate result of Defendants' retaliatory and unlawful conduct, Plaintiff was harmed and suffered general and special damages in an amount exceeding the jurisdictional minimum of the Superior Court, according to proof at trial.

65. Defendants committed the acts alleged herein maliciously, fraudulently and oppressively, with the wrongful intention of injuring Plaintiff, from an improper and evil motive amounting to malice, and in conscious disregard of Plaintiff's rights. Defendants' conduct warrants the assessment of punitive damages in an amount sufficient to punish Defendants and deter others from engaging in similar misconduct.

#### **FIFTH CAUSE OF ACTION**

#### **Failure to Take All Reasonable Steps to Prevent Harassment, Discrimination, and Retaliation (Plaintiff Against Entity Defendants)**

66. Plaintiff incorporates each and every allegation contained in paragraphs 1 through 65 of this Complaint.

67. Defendants had an affirmative duty to take all reasonable steps necessary to prevent discrimination and harassment from occurring in the workplace pursuant to *California Government Code* § 12940(k). Courts have interpreted section 12940(k) to encompass claims for failure to prevent retaliation in addition to harassment and discrimination because retaliation is a form of discrimination under FEHA. *Taylor v. City of Los Angeles Dept. of Water & Power* (Cal. App. 2d Dist. 2006) 144 Cal.App.4th 1216, 1240, disapproved on other grounds in *Jones v. The Lodge at*

1 *Torrey Pines Partnership* (2008) 42 Cal. 4th 1158, 1174. Defendants breached this affirmative  
2 duty to express strong disapproval of harassing and discriminatory practices, failed to develop  
3 appropriate sanctions for harassment and discrimination practices, failed to develop appropriate  
4 methods to educate employees/managers about unlawful and inappropriate practices, including the  
5 gravity of consequences for engaging in such practices, and by failing to take immediate and  
6 appropriate corrective action to stop the harassment and discrimination from occurring.

7 68. The liability of the Entity Defendants also stems from one or more of the following:  
8 Defendants are joint employers of Plaintiff; Defendants are vicariously liable for Ms. Blacker's and  
9 Mr. Hansen's actions as their employees and the supervisor over Plaintiff; Defendants had a duty to  
10 either refrain from the wrongful and unlawful acts or to prevent and/or restrain others from  
11 committing the wrongful and unlawful acts; and Defendant Blacker and Mr. Hansen were acting as  
12 agents of Defendants; Defendants are not allowing Ms. Vargas to return to work despite Ms.  
13 Vargas' repeated messages informing them she is able and ready to work.

14 69. As a proximate result of Defendants' unlawful employment practices, Plaintiff  
15 suffered and continues to suffer damages, including but not limited to damages for humiliation,  
16 embarrassment, damages for severe mental and emotional distress and discomfort, as well as  
17 forcing her to incur attorneys' fees, costs and certain other incidental damages, all according to  
18 proof. Defendants' actions were a substantial factor in causing Plaintiff's harm.

19 70. Defendants' actions were malicious, oppressive, and fraudulent, and Plaintiff is  
20 entitled to recover punitive damages from Defendants, and each of them.

21 71. In bringing this action, Plaintiff has been required to retain counsel to represent her  
22 in this matter. Pursuant to *California Government Code* § 12965(b) she is entitled to an award of  
23 attorneys' fees.  
24  
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28

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays judgment to be entered against Defendants for:

1. Compensatory, general and special damages according to proof and as allowed by law;
2. For all general, special, and punitive damages arising out of the common law and FEHA claims as well as reasonable attorneys' fees incurred Costs, interest, and reasonable attorneys' fees pursuant to *Government Code* § 12965(b) and where may otherwise be authorized by law;
3. Punitive and exemplary damages, according to proof;
4. Damages or statutory penalties provided by *Labor Code* § 1102.5(f);
5. Costs of suit herein, interest, and reasonable attorneys' fees incurred in pursuing this action pursuant to the *California Labor Code* § 1102.5(j) and
6. Such other and further relief as the Court may deem appropriate.

Dated: August 23, 2022

VENARDI ZURADA LLP



Martin Zurada  
Attorneys for Plaintiff  
CHRISTINA VARGAS

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this matter.

Dated: August 23, 2022

VENARDI ZURADA LLP



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Martin Zurada  
Attorneys for Plaintiff  
CHRISTINA VARGAS